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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

VU, TUAN A

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/736,324	Applicant(s) BODO, BELA	
	Examiner Tuan A Vu	Art Unit 2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the Applicant's response filed 9/7/2004.

As indicated in Applicant's response, claims 1-2, 5-6 have been canceled and claim 4 amended. Claim 4 is pending in the office action.

Claim Objections

2. Claim 4 is objected to because of the following informalities: the verb 'creates' (line 8) is to be corrected to become 'create'. Additionally, there is a missing 'module' between 'said relocatable' and 'together with said source code' (line 16). Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites 'path and version of the record' (cl. 4, line 11). It is unclear as to what path in question it is to retrieve. The claim does not specify the limitation 'path' in terms as to clearly mean whether it is file pathname, or to indicate an precise environment in which some path is associated with the record; nor does it specify what type of path, e.g. a file system access path, communication path, repository storage path, hierarchical or tree path, inheritance path, registry path. This 'path' element would be interpreted as any path taken in a most generic sense in light of the so-recited record.

Claim Rejections - 35 USC § 103

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al., USPN: 5,805,899 (hereinafter Evans) in view of Cohen et al., USPN: 6,487,713 (hereinafter Cohen).

As per claim 4, Evans discloses a method for tracing the errors in executable software of a computer controlled system, said software is compiled and linked in a building process including compiling and linking of a number of source-code files stored in a version control system (e.g. table 2, 3 – col. 7-8; Fig. 7, 16, 18) comprising:

compiling source code into object files and linking said files into relocatable module (*Relocatable object 112, 118* – Fig. 2a,b,c), wherein said compiling and linking steps also creates a record specifying names and versions of used source code files (e.g. table 2, 3 – col. 7-8; Fig. 4; col. 11, lines 55 to col. 12, line 2 – Note: structure SUNW in table 2,3 holding version and structure holding version inheritance information of Fig. 4 reads on record specifying name and version);

storing said record in a version controlling system (e.g. *SUNW 1.1, SUNW 1.2* - table 2, 3 – col. 7-8; Fig. 4; col. 5, line 56 to col. 10, line 10;),

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retrieving path and version of the record thus stored and creating a source code file where said path and version number are defined and compiling said source file (e.g. Mapfile – Fig. 2a,b,c; Fig. 4; *mapfile 130 ... by the compilation* - col. 5, lines 2-6 – Note: inheritance information reads on path of a versioned file); and

after the compiling linking said relocatable module together with said source file where said path and version number are defined, into an executable file (e.g. *link-editor, dynamic executable* – Fig. 2b,c; Figs. 3a -11).

But Evans does not specifically disclose that path and version number are defined as global variables. However, Evans shows that the source file or Mapfile is used a global input to the linking process binding the relocatable module leading to the final executable; hence has strongly suggested the data defined inside the Mapfile as globally visible to the whole linking process. The declaring of variables in a source file for compiling information like path and name of different libraries, linkable/relocatable objects or dependent file similar to Evans' Mapfile was a known concept in the software binding process, most of all is the use of Make utility in the Unix environment reminiscent of the SUN version control as mentioned by Evans. The definition of macro directives (e.g. \$PATH or \$INCLUDE or \$LIB) and associating relative file names with respect to some absolute pathname or global scope of such variables was a well-known concept in the likes of Makefile, as exemplified in Cohen. Cohen, in a method to provide an visual editor enabling the dependency checking and resolving analogous to Evans' Mapfile usage, discloses use of Makefile and extended macros to globally define pathnames and more relative name depending on those absolute global pathname (e.g. Fig. 24, 34-35 and related text). In case Evans does not already define path and version variables as global variables

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serving as input into the link-editing process as from above, it would have been obvious for one of ordinary skill in the art at the time the invention was made to implement path and version number of dependent objects as mentioned above so that they are global variables including in the Macro directive as taught by the Make utility such as well known in the art of compilation in the Sun/Unix-originated environment because the macro definition utility just like the Mapfile being at the main input into the linking process enabling dependent files to be fetched and resolved in conjunction with the fact that path and versioned name or macros are being visible globally would enable all the file/object retrieval to be facilitated especially by heterogeneous systems or configurations(see Cohen, col 3, lines 34-47).

Response to Arguments

7. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (272) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)272-3719.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 (for non-official correspondence – please consult Examiner before using) or 703-872-9306 (for official correspondence) or redirected to customer service at 571-272-3609.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VAT

January 15, 2005



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